

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION State Planning
	CORRESPONDENCE SYMBOL OWI
	DATE March 27, 2012

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 21-11

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
STATE LABOR COMMISSIONERS
SCSEP GRANTEES
STATE LMI DIRECTORS

FROM: JANE OATES
Assistant Secretary

SUBJECT: Requirements for 2012 State Workforce Plans

1. **Purpose.** The purpose of this Training and Employment Guidance Letter (TEGL) is to:
 - Provide options for states to have approved plans in place for Program Years (PY) 2012-2016 for the Workforce Investment Act of 1998 (WIA) and Wagner-Peyser (W-P) Act, and for W-P Agricultural Outreach.
 - Communicate changes to state planning requirements under Office of Management and Budget (OMB) data collection No. 1205-0398, *Planning Guidance and Instructions for Submission of Strategic State Plan and Plan Modifications for Title I of the Workforce Investment Act and Wagner Peyser Act*.
 - Provide options for states to have approved Senior Community Employment Service Program (SCSEP) Plans in place for PY 2012-PY 2015.
2. **References.**
 - Wagner-Peyser Act, as amended (29 U.S.C. 49 et seq.);
 - Workforce Investment Act of 1998, as amended (29 U.S.C. 2801, et seq.);
 - Workforce Investment Act of 1998 regulations, 20 CFR Parts 652 and 660-671;
 - Priority of Service for Covered Persons Regulations (Veterans' Priority of Service Regulations), 20 CFR 1010.100-330;
 - Trade Adjustment Assistance regulations, 20 CFR, part 618, 20 CFR, part 617, 29 CFR, part 90;
 - Trade Adjustment Assistance Extension Act of 2011 Pub. L. 112-40 (October 21, 2011);

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- Older Americans Act Of 1965 (OAA), Section 503(a)(1), 42 U.S.C. 3056a(a)(1);
 - Senior Community Service Employment Program regulations, 20 CFR 641.302-365;
 - Wagner-Peyser regulations, 20 CFR 653.107;
 - *State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act and Department of Labor Workforce Programs* (OMB No. 1205-0398);
 - *Planning Guidance for State Unified Plans and Unified Plan Modifications Submitted under Section 501 of the Workforce Investment Act (WIA)* (OMB No. 1205-0398);
 - TEGL No. 15-10, *Increasing Credential, Degree, and Certificate Attainment by Participants of the Public Workforce System*;
 - TEGL No. 02-07, *Leveraging Registered Apprenticeship as a Workforce Development Strategy for the Workforce Investment System*;
 - TEGL No. 26-09, *Workforce Investment Act (WIA) Waiver Policy and Waiver Decisions for PY 2009 and 2010*; and,
 - TEGL No. 30-09, *Layoff Aversion Definition and the Appropriate Use of Workforce Investment Act Funds or Incumbent Worker Training for Layoff Aversion Using a Waiver*.
3. **Background.** WIA, as amended, requires that the Governor of each state submit a WIA/W-P State Plan to the U.S. Department of Labor (Department) that outlines a five-year strategy for its workforce investment system. States must have approved State Plans in place to receive formula allotments under WIA or financial assistance under W-P (WIA Section 112(a) and W-P Section 8(a)). States must also have in place an annual Agricultural Outreach Plan (AOP) to provide services to Migrant and Seasonal Farmworkers (MSFWs) on a basis that is qualitatively equivalent and quantitatively proportionate to services provided to non-MSFWs (20 CFR 653.107). In addition, states must have in place a four-year strategic plan for SCSEP (OAA Section 503(a)(1)). This TEGL provides information to states to develop and submit plans for the above-named programs.

The Employment and Training Administration (ETA) has updated the published requirements governing state planning, after extensive consultation with states to develop requirements that would better meet their needs. As in the past, there are two guidance documents that states may use for strategic planning. The main planning guidance for the WIA Title I/W-P State Plan (sometimes referred to as ‘stand-alone’ plans) has been significantly revised and renamed the *State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act and Department of Labor Workforce Programs* (Integrated Workforce Plan). In addition to other changes meant to streamline requirements and foster more meaningful strategic alignment, the new Integrated Workforce Plan guidance requires that the Plan include additional programs funded by the Department. The second set of planning requirements, *Planning Guidance for State Unified Plans and Unified Plan Modifications Submitted under Section 501 of the Workforce Investment Act (WIA)*, is for states wishing to submit a Unified Plan. The Unified Plan is based on WIA Section 501 and contains requirements for One-Stop partner programs in multiple Federal departments to submit a single Unified Plan. Guidance for Unified Planning has undergone

relatively minor changes. This TEGL includes information that will be important for all State Plans. However, it provides a more detailed explanation about the Integrated Workforce Plan, since those plan requirements are substantially different from previously published guidance and since historically most states used the DOL-specific plan requirements.

In general, the Integrated Workforce Plan moves the planning process beyond purely compliance to a more meaningful strategic planning approach for the state's workforce system. Plan elements have been streamlined and reflect a greater openness on the part of ETA to accept plans that emerge from existing state processes and formats. The new guidance separates the strategic plan elements from operational plan elements in order to facilitate cross-program strategic planning. In developing the Integrated Workforce Plan guidance, ETA removed elements that either were not legally required or were duplicative. At the same time, the guidance adds coordination with Trade Adjustment Assistance (TAA) and inclusion of the W-P AOP in order to eliminate separate plan submissions for these programs and to better integrate these workforce programs into the statewide workforce strategy. An Integrated Workforce Plan may also include plans covering SCSEP.

4. **Planning Requirements.** In accordance with the Paperwork Reduction Act, the Office of Management and Budget (OMB) approved the *State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act and Department of Labor Workforce Programs (Integrated Workforce Plan) and Planning Guidance for State Unified Plans and Unified Plan Modifications Submitted under Section 501 of the Workforce Investment Act (WIA)* under OMB control number 1205-0398. The Integrated Workforce Plan requirements are available on ETA's Web site at <http://www.doleta.gov/usworkforce/wia-planning/docs/integrated-planning-guidance.pdf>. The Unified Plan requirements are available at <http://www.doleta.gov/usworkforce/wia-planning/docs/unified-planning-guidance.pdf>.
5. **Importance of Joint Planning Across Programs.** ETA is committed to fostering better alignment of Federal investments in job training; improved models for delivering quality services across programs at lower costs; and providing relevant information to workforce, education and social service communities. Cross-program planning promotes a shared understanding of the workforce needs of a state and a comprehensive strategy for addressing those needs. ETA believes that integrated or unified planning leads to better alignment of resources, increased coordination among programs and improved efficiency in service delivery. ETA also believes that these improvements will lead to improvements in customer outcomes as performance reflects program strategies. In addition, data sharing and enhanced management information systems provide the opportunity for a reduction in administrative costs and burdensome paperwork. Toward that end, ETA hopes that the newly-designed planning guidance will help states in their joint planning across programs. We encourage states to engage in cross-program planning regardless of which type of plan they submit.
6. **Integrated Workforce Plan Requirements: Overview of Plan Elements.** Since the Integrated Workforce Plan represents a substantive change from previously published guidance, the following is a summary of key guidance elements and ETA's intention for

each. The elements of the Integrated Workforce Plan are organized according to three main sections: 1) Strategic Plan, 2) Operational Plan, and 3) Assurances. This new approach enables states to involve different levels of the workforce system in developing the appropriate sections of the plan. For example, the State Workforce Investment Board (SWIB) may focus on developing the state vision or setting strategic direction in the Strategic Plan in Section I, while the state agency may focus on the Operational Plan in Section II. The Integrated Workforce Plan is intended as an expression of the state's vision and planned activities across its workforce system.

Section I – State Workforce Strategic Plan, requires states to describe the governor's strategic vision for the state's economy and overarching goals for the state's workforce system. An important part of the Strategic Plan section is economic and workforce information analysis. The gathering and use of labor market information (LMI) is further explained below in this TEGL, under "Important Planning Considerations." More than simply a compilation of data from various sources, this section should analyze and interpret LMI to provide context for the overall plan. The Strategic Plan should be based on a thorough understanding of the economic strengths and workforce needs and skills of the state so that strategies will align the best interests of job seekers and employers with the economic future of the state. In addition, the strategies section should discuss how the state will align policy, operations and administrative systems. State strategies should drive the specific quantitative targets and desired outcomes described in the outcomes element of the Strategic Plan.

Section II – State Operational Plan, requires states to describe how each individual program, using the funds allocated under each specific title, will align with and implement the strategies and vision outlined in the Strategic Plan section. Where the Strategic Plan section must discuss State Plans and resources for an aligned and integrated workforce system, the State Operational Plan must discuss how various participant groups will be served by the programs included in the Integrated Workforce Plan. For instance, the State Operational Plan should discuss how services are delivered for employers and targeted sub-populations. The State Operational Plan section includes an overview of the workforce system, its organization at the state and local level, and descriptions of specific workforce programs and required policies. This section also includes Operational Plan requirements for the W-P AOP, requirements for coordination with TAA, and the option to include plans for SCSEP.

Section III - Assurances requires states to affirm that key obligations in the law have been met. A number of plan elements that were previously a part of the narrative are now among the 40 assurances included with the Integrated Workforce Plan. These assurances are vitally important as a commitment to upholding the requirements in the law and regulations. The assurances may form a basis for state self-monitoring of these requirements and for ETA's monitoring of states. Many of the assurances affect the required process for developing the Integrated Workforce Plan, such as the requirements for stakeholder consultation, public comment and various policies which states must have in place.

7. **Important Planning Considerations.** Below are several vital factors that ETA encourages states to consider in developing an effective and meaningful State Plan.

A. *ETA's Workforce System Policy Emphases*

While State Plans require the articulation of the governor's strategic direction and vision, we also encourage states to also take into account ETA's current policy emphases when developing their workforce system plans. States should review recent TEGLs, available at <http://wdr.doleta.gov/directives/>, so that ETA program priorities may be considered as a part of their planning where appropriate. The following are areas of focus for ETA:

- *Alignment with state and regional economic development.* ETA encourages states to align their workforce development activities with state and regional economic development plans to ensure that training and employment services support anticipated industry growth and corresponding expected employment opportunities and required skill competencies. We encourage states and local areas to develop comprehensive regional partnerships to facilitate this alignment.
- *Cross-program alignment.* At a time of constrained resources, lowering the costs and increasing the effectiveness of service delivery requires coordination across different programs, funding streams, integrated planning processes, and operational procedures. The more the system is aligned at all levels to support service delivery, the more effective it will be in improving training and employment outcomes and/or achieving outcomes at a lower cost.
- *Dual-customer focus.* As the economy recovers and communities begin to see an increase in job openings, it is more important than ever that the workforce system match its employment and training investments in jobseekers to the skills and workforce demands of employers. States and local areas have valuable assistance to provide at every stage of the business lifecycle, effectively engaging employers as system partners. These services range from applicant screening and job description writing assistance to On-the-Job-Training, Rapid Response services and layoff aversion strategies. At the same time, adult education, job training, postsecondary education, Registered Apprenticeship, career advancement activities (for example, industry-recognized certificate and credential attainment) and supportive services are only successful services to the extent that they align with employer demand. We encourage states and local areas to consider both job seeker and employer customer needs as they plan for and implement their programs.
- *Use of evidence-based practice.* Federal agencies, state agencies and other funders are building knowledge about effective practices in workforce development and related programs through rigorous evaluation and communicating "lessons learned" from these evaluations. We encourage states and local areas to share evaluations they have completed, review evaluation findings as they become available, and to consider how to adapt service delivery strategies that have been shown to have positive significant effect in well-designed evaluation studies.

- *Credential attainment.* President Obama has issued the challenge for the United States to lead the world by 2020 in the percentage of Americans with postsecondary degrees and industry-recognized certificates and credentials. In alignment with the President's ambitious goal, the Secretary of Labor made credential attainment one of ETA's High Priority Performance Goals. The goal by September 2013 is to increase, by 10 percent, the number of participants of the public workforce system who receive training and attain an industry-recognized credential. The goal reflects the Administration's continued emphasis on job training, post-secondary education and the attainment of industry-recognized credentials as a strategy for both enhancing earnings and employment for participants in the public workforce system and meeting the economy's need for more skilled workers. ETA encourages states to develop and implement strategies that increase credential attainment for public workforce system customers. TEGL No. 15-10, *Increasing Credential, Degree, and Certificate Attainment by Participants of the Public Workforce System*, provides more detailed guidance on this topic.
- *Administrative Flexibility.* To better support state and local efforts to improve service delivery, encourage program alignment, and ease administrative burden, ETA is focusing on areas where it may offer flexibility in its own program requirements. As well as changes adopted in the State Plan requirements, ETA offers flexibility afforded by its waiver authority (WIA Section 189(i)(4)) and encourages states to explore and request waivers that support more effective implementation of state workforce strategies. Waiver information is available at <http://www.doleta.gov/waivers/>.

B. *Program Alignment Opportunities*

As noted above, ETA encourages states to take actions that promote cross-program alignment as well as improved integration of services. Individuals should have easy access to all programs at any point of entry into the system. Aligned and integrated service delivery is also important to ensure the most efficient and effective use of all funding and expands access to services. States should develop strategies across programs so that participants in the One-Stop Career Center system receive effective case management, supportive services, and are referred to targeted programs and educational resources where appropriate. While not all-inclusive, some suggested areas of program alignment and integration may include:

- Partnering with Temporary Assistance for Needy Families (TANF), Adult Basic Education, and other social service programs to implement comprehensive career pathway approaches that align and bridge training, education, employment, and supportive services at the local and state level; and enable individuals to move beyond adult basic education to succeed in postsecondary education, earn industry-recognized credentials, and advance along a career path.
- Improving the connection between the WIA/W-P and Unemployment Insurance (UI) systems to enhance reemployment services for all unemployed job seekers and

shorten durations of unemployment for UI claimants through the creative use of social media, using Reemployment and Eligibility Assessments and the Worker Profiling and Reemployment Services (WPRS) system to better connect UI claimants to services, as well as other integrated service delivery strategies.

- Using Registered Apprenticeships to meet the training needs for some job seekers served by One-Stop Career Centers as well as employer needs for access to skilled workers. TEGL No. 02-07, *Leveraging Registered Apprenticeship as a Workforce Development Strategy for the Workforce Investment System*, identifies a number of useful opportunities for WIA/W-P and the Registered Apprenticeship system to coordinate and work together to expand training and employment opportunities.
- Connecting the multiple systems that serve disconnected youth, such as partnering with human service agencies to support summer employment and educational work experiences throughout the year; developing innovative pre-apprenticeship programs that lead to successful placement with Registered Apprenticeship programs, and improving coordination among existing programs, such as Job Corps and YouthBuild. TEGL No. 30-10, *Workforce Investment Act (WIA) Youth Program Guidance for Program Year (PY) 2011* provides further guidance on the connections between work experience, training, earning of credentials, and success in the workplace for youth under WIA.
- Comprehensively serving dislocated workers, and those at risk of becoming dislocated, as a result of economic displacement. The variety of programs that serve dislocated workers—Rapid Response, TAA, the WIA Dislocated Worker program, and UI and Reemployment Assistance Services—should be strategically coordinated to maximize efficient use of funds and to provide the most comprehensive supports and services available to impacted workers. This can include layoff aversion strategies, integrating data systems, streamlining case management and assessment, and ensuring that needed job search or training services are provided.
- Coordinating with discretionary grants awarded to state and local workforce investment areas as well as community-based and other organizations providing employment and training-related services to ensure that effective practices are shared across programs and case management of participants is coordinated.

C. *Effective Use of Labor Market and Workforce Information*

Reliable LMI and workforce information is essential to effective workforce development planning. This information is instrumental in designing training and education programs to meet each state's demand for skilled workers. As such, ETA expects that workforce development policy, strategic investment, employment and training programs, and career decisions will be informed by and made on the basis of reliable LMI, and that workforce investment decisions and program outcomes will improve as a result. LMI, economic analysis, and professional interpretation should be drivers of decision-making at every level of the workforce development system, including workforce investment boards

(WIBs) and One-Stop Career Centers. Such information is also important to assist job seekers, participants, and business customers in their decisions.

Under state planning requirements, states must include a description of the economic conditions in the state, in order to identify the critical businesses and industries, population and workforce trends, and the economic challenges facing the state. This economic and workforce analysis is intended to be comprehensive and to incorporate a wide variety of data and information from both traditional and new data sources, including: traditional (backward facing) employment trends, statistics, and administrative data, long- and short-term industry and occupational projections, and real-time LMI or at least current labor market workforce conditions or dynamics, such as the information gathered through an early layoff warning network.

States should carefully interpret economic information in the state and the region, and not simply include a compilation of numerous data tables. States should summarize the findings of their LMI and workforce information research into a statement that can be used to inform policy development and tactics for solution development. ETA expects states to use a comprehensive approach, looking at both short and long range trends and demands. In addition, while consulting LMI during the strategic planning process is important, ETA envisions a productive and ongoing dialogue between the strategic planners, policy-level decision makers, and the state LMI, workforce information, and research entities.

D. Engaging Employers

Businesses are critically important customers of the public workforce development system. To be effective, the system must develop positive working relationships and partnerships with the business community, understand its workforce needs, and provide services that meet those needs. In this context, it is not enough simply to make businesses aware of the employer-oriented services that the workforce development system provides; rather, the system needs to respond to business customer needs by improving, innovating, and expanding its customer services approach. This includes providing labor market and workforce information, conducting outreach, integrating employer needs into training strategies such as career pathways, brokering relationships and job connections, making services easy to access, and coordinating with partners to reduce duplication.

Under state planning requirements, states should identify and provide specific strategies for serving their business customers such as:

- Outreach and bringing business services to the private sector;
- Working with business members of the state and local WIB to support business sector engagement goals;
- Training for Business Service Representatives, Rapid Response Coordinators and other staff that work directly with businesses;

- Partnerships and linkages with state and local businesses, professional service organizations and trade associations;
- Services and resources provided to businesses, including lay-off aversion strategies, On-the-Job-Training, customized training, recruitment, toolkits, data visualization and other materials; and
- Standardized metrics of success, such as repeat business, return on investment and new hires.

E. *Serving Target Populations*

State Plans must describe how the public workforce system will address the more specific needs of targeted populations.¹ States must have in place policies to prioritize use of WIA Adult formula funds for services to recipients of public assistance and other low-income individuals as described in WIA Section 134(d)(4)(E) and must incorporate priority of service for veterans and eligible spouses that meets the requirements of 20 CFR part 1010. With over one million service members that are projected to leave the military between 2011 and 2016, the public workforce system must ensure our veterans are able to navigate the current labor market and succeed in the civilian workforce.

States must be prepared to enhance integrated services and programs to accommodate special target populations who face multiple challenges to employment. States need to have proactive outreach strategies to reach these populations. At the same time, states should work with the business sector to develop and promote the business case for hiring these individuals. For example, states should have proactive plans in place to serve and promote employment for individuals with disabilities. States should build connections to Disability Resource Coordinators, Disability Program Navigators, a wide range of disability organizations, programs for transitioning youth with disabilities, agencies and organizations serving disabled veterans and disabled persons who are homeless. State and local workforce systems are also encouraged to participate in the Social Security Administration's Ticket to Work Program as Employment Networks. Such strategies should be in place to meet the unique needs of the many target populations served by the public workforce system.

The following are examples of the many ways that states may address their commitment to serving targeted populations:

- Conducting outreach activities to targeted populations;
- Conducting training activities for One-Stop Career Centers and partner staff on how to work with these populations and on the available community-based resources and Federal resources such as the toolkit available at <https://doors.workforce3one.org/page/resources>;
- Partnering with agencies and organizations serving the targeted populations;

¹ Targeted populations include, but are not limited to: disconnected disadvantaged youth, ex-offenders; homeless; Indian and Native Americans; migrant and seasonal farm workers; older, disabled veterans; older persons; persons with disabilities; persons in need of ESL services (limited English proficiency and individuals who may be illiterate or have basic skills deficiencies); TANF recipients; veterans; and youth in the foster care and juvenile justice systems.

- Integrating organizations serving the targeted populations into the development of strategies and operations of the workforce boards and One-Stop Career Centers, particularly required partners, such as National Farmworkers Jobs Program, Indian and Native American Program and SCSEP.
- Collaborating with the business sector to market the business case for hiring target populations;
- Implementing strategies to increase access to On-the-Job-Training, mentoring, apprenticeship, life-long training, and internship opportunities;
- Providing opportunities for a variety of employment opportunities in green jobs and other high growth/high demand sectors;
- Providing educational and training services that lead to career ladder opportunities (diplomas, certificates, licensing, etc.);
- Implementing strategies to improve job retention, as well as getting a job, and return-to-work strategies for job seekers who are disconnected from the workforce; and
- Implementing plans for creating a universally accessible, welcoming, and customer-friendly environment for the delivery of employment services, including remote services that are accessible and user-friendly.

F. *Stakeholder Consultation*

The governor must ensure that the State Plan is developed in a transparent manner, and in consultation with local and regional areas within a state, representatives of businesses and labor organizations, community-based organizations, other primary stakeholders, and the general public.

The state should consult with a variety of workforce stakeholders, including Local Workforce Investment Boards, Youth Councils, adult education providers, postsecondary institutions and P-16 or P-20 Councils,² where applicable. State Workforce Investment Boards should play a significant role in developing the plan. Specific programs within the plan may require additional consultations as well as public comment. States must ensure that their planning process adheres to the legal requirements for each program. WIA regulations at 20 CFR 661.220(d) require the state to provide an opportunity for public comment on and input into the development of the State Plan prior to submission.

8. **Wagner-Peyser Act Agricultural Outreach Plan.** States have a responsibility under W-P regulations to provide services to MSFWs on a basis that is qualitatively equivalent and quantitatively proportionate to services provided to non-MSFWs. The AOP is an annual requirement that previously had been submitted as a separate plan and now will be an integral component of the state's Strategic WIA Title I and W-P Integrated or Unified Workforce Plan. The AOP describes the activities planned for providing services to the agricultural community, both MSFWs and agricultural employers. Accordingly, its development must comply with the planning requirements referenced above under section 4 of this TEGL-

² P-16 and P-20 Councils are State coordinating councils created to align the standards of primary schools (preschool through Grade 12) with postsecondary (college, years 13-16) requirements, and link to workplace success after college graduation (years 17-20). The goal of these councils is to ensure a seamless educational process for students as they move from one level to the next, and prepare them for success after graduation.

“Planning Requirements” to ensure that these services are provided through the One-Stop Career Center.

Since the development of an AOP is required annually (codified at 20 CFR 653.107), states must submit the AOP to ETA annually as a modification to their State Plan, upon receipt of planning instructions and resource guidance from ETA.

AOP requirements are included in the Integrated and Unified Plan requirements. Attachment A of this TEGL provides further details of the data elements which are required in the AOP. States are encouraged to use this attachment to address services to MSFWs in their WIA/W-P Plans.

9. **Senior Community Service Employment Program Strategic Plan.** In order to receive SCSEP funding, the OAA requires the governor or designee to submit a state plan that includes a four-year strategy for statewide provisions of community service training and other authorized activities for eligible unemployed low-income seniors. The intent of the SCSEP State Plan is to foster both short- and long-term coordination among the various national and state SCSEP grantees and their sub-recipients operating within the state, and to facilitate the efforts of key stakeholders, including state and local boards under WIA, to work collaboratively through a participatory process to accomplish SCSEP’s goals. In addition, SCSEP State Plan requirements emphasize the importance of partnerships among grantees with other programs, initiatives and entities operating within the state.

States are required to submit new SCSEP state plans in PY 2012 (July 1, 2012 through June 30, 2013). States have three options for submitting new SCSEP State Plans in PY 2012: 1) as a stand-alone document, 2) as part of a state’s Integrated Workforce Plan, or 3) as part of a state’s Unified Plan. For all three options, the SCSEP State Plan requirements are those contained in the Integrated Workforce Plan guidance referenced above under section 4 of this TEGL-- “Planning Requirements.” The requirements for the SCSEP four-year plan, as well as provisions for modifications, are also provided in 20 CFR 641.300-641.360. Any SCSEP State Plan that is submitted as a stand-alone must be submitted by September 15, 2012. ETA will provide further instructions and technical assistance to SCSEP grantees on SCSEP state plans.

10. **Instructions for Submitting Integrated Workforce or Unified State Plans for PY 2012-2016.** States must have approved State Plans in place to receive formula allotments under WIA and W-P. Current WIA/W-P State Plans and waivers will expire on June 30, 2012. While all states are required to submit a five-year plan, states have some discretion as to the timeline of their plan submission and the scope.

A. Submission Timeline

In order to allow for more meaningful and integrated strategic planning, states may submit their new five-year plans for WIA/W-P anytime through September 15, 2012. States have two options for the timing of their submission:

Option 1: Submit five-year Plan by April 16, 2012.

States wishing to have an approved five-year WIA/W-P State Plan in place by July 1, 2012, must submit a proposed plan to ETA by April 16, 2012. ETA will review the plan and approve or disapprove the plan by July 1, 2012.

Option 2: Submit five-year Plan between April 17 and September 15, 2012.

If a state intends to submit its five-year plan after April 16, 2012, it must *submit a request to ETA for a temporary extension of the currently approved WIA/W-P State Plan and waivers for PY 2011 by April 16, 2012.* ETA understands that states may need additional time to involve multiple partners in strategic planning. States requesting a temporary extension into PY 2012 of the existing approved State Plan for PY 2011 must include: 1) a statement that the state needs a temporary extension of its current WIA/W-P State Plan and current negotiated performance targets into PY 2012; 2) a list of currently approved waivers it wishes to extend; 3) the date when the state will submit its five-year plan (between April 17 and September 15, 2012); and 4) a justification which describes how the added time will be used for greater involvement of partners in the state's planning process.

B. Scope of State Plan

States have three options for the scope of their five-year WIA/W-P State Plan:

Option 1: States may submit an Integrated Workforce Plan that provides a plan for WIA and W-P programs, the AOP, and short description of plans for coordination with TAA; or,

Option 2: States may submit an Integrated Workforce Plan that includes items noted above in Option 1 plus their SCSEP State Plan. For either of these two options, the plans will include only workforce programs under the jurisdiction of the Department and must comport with the *State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act and Department of Labor Workforce Programs*; or

Option 3: States may submit a State Unified Plan that encompasses not only WIA Title I/W-P programs and other Department programs, but also certain programs administered by the U.S. Departments of Education, Health and Human Services, Agriculture, and Housing and Urban Development. Those plans must meet the requirements of WIA Section 501, and must comport with the *Planning Guidance for State Unified Plans and Unified Plan Modifications Submitted under Section 501 of the Workforce Investment Act (WIA).*

If a state chooses not to include its SCSEP plan as a part of the Integrated Workforce Plan or Unified State Plan, then that state must submit a plan for SCSEP separately using the instructions in the Integrated Workforce Planning Guidance. See section 9 above for further instruction about SCSEP.

During the five-year period in which a WIA/W-P Plan is in effect, a state may submit modifications to the plan in accordance with WIA and W-P requirements. (WIA Section 112(d), 20 CFR 652.212-.214).

- 11. WIA/W-P Waiver Requests.** States wishing to request WIA or W-P waivers as part of their new five-year State Plan must submit full waiver plans in accordance with instructions contained in the Integrated Workforce Plan or Unified Plan requirements and listed in the

WIA regulations at 20 CFR 661.420(c). ETA encourages each state to consider whether waivers approved in the past continue to support the strategic goals outlined in its new State Plan and to match the needs of waivers to the needs of its workforce system. States should refer to TEGL Nos. 26-09, *Workforce Investment Act (WIA) Waiver Policy and Waiver Decisions for PY 2009 and 2010*, and 30-09, *Layoff Aversion Definition and the Appropriate Use of Workforce Investment Act Funds or Incumbent Worker Training for Layoff Aversion Using a Waiver*, for guidance on current ETA waiver policy. As noted above, if a state intends to submit its five-year plan after April 16, 2012, it must submit a request for temporary extension of existing waivers along with its request to temporarily extend its current workforce plan for a portion of PY 2012.

12. **Actions Required for State Plan Submission and Waiver Requests.** State Integrated Workforce Plans and Unified Plans are due to the U.S. Department of Labor between April 16, 2012 and September 15, 2012. States have the option to submit their State Plan and waiver requests in an electronic, hard copy, or CD-ROM format. ETA encourages electronic submissions to reduce the processing burden and to ensure timely receipt by ETA.

Electronic Submission. States may submit a State Plan or waiver request electronically either by posting it on an Internet Web site that is accessible to ETA or by transmitting it through e-mail to ETA. States choosing to post on an Internet Web site should post the State Plan, State Plan extension, or waiver request on a Web site and notify ETA of its posting by sending an e-mail to both wia.plan@dol.gov and to the appropriate ETA Regional Administrator. The e-mail must identify the URL for the State Plan, provide contact information in the event of problems accessing the Web site, and certify that no changes will be made to the version posted on the Web site after it has been submitted to ETA, unless ETA gives prior approval for such changes.

States submitting their State Plan by e-mail should send it to wia.plan@dol.gov with a copy sent to the appropriate ETA Regional Administrator. If a state chooses to submit its State Plan by transmitting it through e-mail, the state must submit it in Microsoft Word or PDF format. State Plan certifications with electronic signatures are acceptable. If a state chooses not to use an electronic signature, then the program administration designees and plan signatures page (see Attachment B) must be submitted in hard copy with an original signature to the Federal Coordinator for Plan Review and Approval, with a copy to the ETA Regional Administrator.

Hard Copy or CD-ROM Submission. States choosing to submit a hard copy should submit one copy of the plan with an original signature to the Federal Coordinator and one copy to the appropriate ETA Regional Administrator. The address for the Federal Coordinator is as follows:

Division of WIA Adult Services and Workforce System
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., NW, Room S-4209
Washington, DC 20210
Attention: Heather Fleck

States submitting a State Plan on CD-ROM should submit one copy to the Federal Coordinator at the address above, and one copy to the appropriate ETA Regional Administrator. If the State Plan on the CD-ROM does not include the signature of the governor on the signature page, the state must submit electronically to the Federal Coordinator and appropriate ETA Administrator a signed signature page or a hand-signed signature page in hard copy. Documents submitted on a CD-ROM must be in Microsoft Word or PDF format.

Whether states submit a hard copy or electronic plan, the Federal Coordinator will confirm receipt of the State Plan and waiver requests within two business days of receipt and indicate the date for the start of the review period. When a state submits an incomplete State Plan or waiver plan, the period for review will not start until all required components have been received.

SCSEP State Plan submissions. SCSEP PY 2012 - PY 2015 State Plans that are part of either an Integrated Workforce Plan or a Unified Plan should be submitted as indicated above. Any SCSEP State Plan that is submitted as a stand-alone must be submitted by September 15, 2012 as follows:

Division of National Programs, Tools, and Technical Assistance
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., NW, Room S-4209
Washington, DC 20210
Attention: Kimberly Vitelli

13. **Local Plan Development.** Under 20 CFR 661.355, each governor sets the policy for when a Local Plan must be modified, such as significant changes in local economic conditions and changes in financing available for WIA Title I and partner-provided WIA services. States maintain the option to review their Local Plan modification policy, and to require that Local Plans be modified according to state policy. Local Plans are important for guiding local decision-making and investments, and ETA encourages states to provide timely guidance to local areas for developing Local Plans. ETA also encourages regular state review of locally-developed plans for sound strategy and responsiveness to state guidance and local economic conditions. ETA reviews Local Plans during site visits as part of WIA formula grant monitoring.

14. Negotiation of Workforce Investment Act and Wagner-Peyser Performance Levels.

The extended plan submission timeframe as well as the five-year duration for the WIA and W-P portions of the State Plan have an impact on protocols for negotiation of performance goals. The touchstones of previous strategic planning cycles, however, remain constant. ETA expects that the governor's vision, labor market strength, workforce challenges, and service delivery strategies described in the plan will drive the establishment of the quantifiable goals and customer outcomes.

Although the State Plans will span a five-year timeframe, performance goals will be negotiated on an annual basis. Past experience has shown that performance targets should be negotiated on an annual basis rather than a longer horizon, as too many factors change over a longer period. Annual performance negotiations permit states to be more realistic in their target-setting given their knowledge of changing economic conditions.

Additionally, the annual results from applying the regression model will be an important reference point in the negotiation process nationwide in PY 2012. The regression model outputs are both a diagnostic tool and a contributor to the process, and ETA recognizes that other factors will influence the negotiation discussion and the final establishment of acceptable performance targets. ETA's regression adjustments can be projected only annually as they rely on the availability of annual program and national economic data. As a result, ETA will continue to negotiate performance goals with states on an annual basis. The five-year State Plans will be updated accordingly.

For PY 2012, states must negotiate new WIA and W-P performance goals. For states that submit a plan by April 16, 2012, performance level negotiations will take place with the ETA Regional Administrator and conclude by the beginning of PY 2012 (July 1, 2012). For these states, a State Plan and negotiated performance targets will be in place by June 30, 2012, for the beginning of PY 2012 (July 1, 2012). For those states that choose to request a temporary extension of their existing plan for a portion of PY 2012, current negotiated performance levels (i.e., PY 2011) also will be extended. Performance negotiations may commence upon plan submission and must conclude no later than December 31, 2012. The negotiated goals for PY 2012 under either plan submission option will apply to the July 1, 2012 – June 30, 2013 performance period.

The Regional Administrator's letter advising a state of the agreed-upon goals will constitute a modification to the State Plan. For subsequent revisions to performance goals during the life of the State Plan, the Regional Administrator's letter advising a state of the agreed-upon goals also will constitute a modification to the State Plan. The state must ensure that the agreed-upon goals are included in the state's official copy of the State Plan, and that any published State Plan, on the state's Web site or through other forums, includes the agreed-upon goals. ETA will incorporate the agreed-upon goals into the Regional and National Office copies of the State Plan. A TEGl on performance negotiations for WIA and W-P programs will be issued separately to provide more detail.

- 15. Tools and Resources.** ETA maintains web-based resources that may facilitate the development of State Plans. ETA posts WIA/W-P strategic planning resources online at www.doleta.gov/usworkforce/wia-planning and waiver-related resources at <http://www.doleta.gov/waivers>. States can also take advantage of the information available at Workforce3one, an interactive knowledge sharing and learning platform, available at <https://www.workforce3one.org>.
- 16. Inquiries.** Please direct questions regarding this notice and instructions to the appropriate Regional Office. States also may submit questions on the planning or waiver approval process by e-mail to wia.plan@dol.gov. Responses to questions raised about the content of this TEGL will be posted at www.doleta.gov/usworkforce/wia-planning.
- 17. Attachments.**
- Attachment A: Summary of Annual Agricultural Outreach Plan Requirements
 - Attachment B: Sample of Program Administration Designees and Plan Signatures page in State Plans.

Attachment A

Summary of Annual Agricultural Outreach Plan Requirements

The Agricultural Outreach Plan portion of the State Plan must describe plans for providing services to the agricultural community, both for agricultural employers and Migrant and Seasonal Farmworkers (MSFWs), as described in 20 CFR 653.107, the WIA Title I final regulations, the WIA/W-P Act Integrated Workforce Planning Guidance, the Unified Planning Guidance, and applicable WIA Workforce Development regulations. This attachment provides greater detail on what states must include in the AOP section of the State Plan.

A. Assessment of Need.

The assessment of need must include:

- (i) A review of the previous year's agricultural activity in the State.
- (ii) A review of the previous year's MSFW activity in the State.
- (iii) A projected level of agricultural activity in the State for the coming year.
- (iv) A projected number of MSFWs in the State for the coming year, which must take into account data supplied by WIA 167 National Farmworker Jobs Program (NFJP) grantees, other MSFW organizations, employer organizations and federal and/or State agency data sources such as the U.S. Department of Agriculture and ETA.
- (v) A statement of the consideration given to the State Monitor Advocate's (SMA) recommendation as set forth in the annual summary developed under §653.108(t).

B. Outreach Activities. The proposed outreach activities must be designed to meet the needs of the MSFWs in the state and to locate and to contact MSFWs who are not being reached by the normal intake activities conducted by the local offices.

The plan for the proposed outreach activities must include:

- (i) Numerical goals for the number of MSFWs to be contacted during the fiscal year by W-P staff. The number of MSFWs planned to be contacted by other agencies under cooperative arrangements during the fiscal year also should be included in the plan. These numerical goals must be based on the number of MSFWs estimated to be in the State in the coming year, taking into account the varying concentration of MSFWs during the seasons in each geographic area, the range of services needed in each area and the number of JS and/or cooperating agency staff who will conduct outreach³
- (ii) Numerical goals for the staff years to be used for outreach during the fiscal year.
- (iii) The level of W-P funding to be used for outreach during the fiscal year.

³ The numerical goals that must be included in the agricultural outreach plan are in reference only to the proposed outreach activities and are not negotiated performance targets.

(iv) The tools which will be used to conduct outreach contacts, including personal contact, printed matter, videotapes, slides, and/or cassette recordings.

C. Services Provided to MSFWs through the One-Stop Delivery System. The plan must provide specific information on how core, intensive, and training services required under WIA Title I will be provided to MSFWs through the One-Stop delivery system. States should provide information on how MSFWs will be provided staff-assisted services and how MSFWs will be served in an electronic environment in the One-Stop Career Center and/or affiliate sites. States should consider how they will enable these One-Stop customers to advance their skills and be competitive in a local, regional and global economy.

D. Services Provided to Agricultural Employers through the One-Stop Delivery System.

The plan must describe efforts that will be taken to provide services to agricultural employers in States with an adequate supply of U.S. workers and in those States where a shortage of workers is anticipated. The services provided to agricultural employers can be incorporated into the section of the WIA/W-P plan on serving employers in general.

E. Other Requirements.

1. *State Monitor Advocate.* The plan must contain a statement that indicates that the SMA has been afforded the opportunity to approve and/or comment on the PY 2012 AOP.
2. *Review and Public Comment.* The plan must provide information indicating that WIA Section 167 NFJP grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations and other interested employer organizations, have been given an opportunity to comment on the State AOP. Include the list of organizations from which information and suggestions were solicited and any comments received and State responses to those suggestions.

Attachment B

PROGRAM ADMINISTRATION DESIGNEES AND PLAN SIGNATURES

Name of WIA Title I Grant Recipient Agency:

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name of State WIA Title I Administrative Agency (if different from the Grant Recipient):

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name of WIA Title I Signatory Official:

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name of WIA Title I Liaison:

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name of Wagner-Peyser Act Grant Recipient/State Employment Security Agency:

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name and Title of State Employment Security Administrator (Signatory Official): _____

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name and Title of the State Labor Market, Workforce Information, or Research Director: _____

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

As the governor, I certify that for the State/Commonwealth of _____, the agencies and officials designated above have been duly designated to represent the State/Commonwealth in the capacities indicated for the Workforce Investment Act, title I, and Wagner-Peyser Act grant programs. Later changes in the designation of officials will be provided to the U.S. Department of Labor as such changes occur.

I further certify that we will operate our Workforce Investment Act and Wagner-Peyser Act programs in accordance with this Plan and the assurances herein.

Typed Name of Governor _____

Signature of Governor _____ Date _____